



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Neil H. Bander

Art Unit : 1642

Serial No. : 09/929,546

Examiner : Gary Nickol

Filed : August 13, 2001

Title : TREATMENT AND DIAGNOSIS OF CANCER

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), CORNELL RESEARCH FOUNDATION, INC., a university, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8774, Frame 0934 on November 9, 1997, or a copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent Number 6,136,311, whereby the patent granted on this application and U.S. Patent

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature

Cassandra Beepot

Typed or Printed Name of Person Signing Certificate

Cassandra Beepot

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Attorney's Docket No.: 10448-184008 / MPI1996-
037P2RCP1DVIACN1A; CRF D-1912L

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Number 6,136,311, will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent Number 6,136,311.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent Number 6,136,311, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent Number 6,136,311.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$110 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CORNELL RESEARCH FOUNDATION, INC.

Date: February 24, 2004

Brian Kelly

Brian Kelly

Title: Vice President

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